

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

REBECCA CAJUCOM SAMILIN REYES;
a.k.a. REBECCA REYES; a.k.a. REBECCA
SAMILIN REYES, a.k.a. REBECCA AVILA,
a.k.a. LORENA VILLALOBOS DE REYES,
a.k.a. REBECCA LORENA VILLALOBOS DE
REYES; a.k.a. LORENA VILLALOBOS,

Registered Nursing License No. 489403

Respondent.

Case No. 2006 - 92
OAH No.L-2006100241

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on November 10, 2007.

It is so ORDERED October 10, 2007.

LaTrancine W Tate

PRESIDENT
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GLORIA A. BARRIOS,
Supervising Deputy Attorney General
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7 Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2006-92

12 REBECCA CAJUCOM SAMILIN REYES;
13 a.k.a. REBECCA REYES; a.k.a. REBECCA
SAMILIN REYES, a.k.a. REBECCA AVILA,
14 a.k.a. LORENA VILLALOBOS DE REYES,
a.k.a. REBECCA LORENA VILLALOBOS DE
15 REYES; a.k.a. LORENA VILLALOBOS,

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 Registered Nursing License No. 489403

17 Respondent.

18
19 In the interest of a prompt and speedy settlement of this matter, consistent with the
20 public interest and the responsibility of the Board of Registered Nursing of the Department of
21 Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and
22 Disciplinary Order which will be submitted to the Board for approval and adoption as the final
23 disposition of the Accusation.

24 PARTIES

25 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
26 the Board of Registered Nursing. She brought this action solely in her official capacity and is
27 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
28 by Susan Melton Wilson, Deputy Attorney General.

2. Respondent Rebecca Cajucom Samilin Reyes, a.k.a. Rebecca Reyes, a.k.a. Rebecca Samilin Reyes, a.k.a. Rebecca Avila, a.k.a. Lorena Villalobos De Reyes, a.k.a. Rebecca Lorena Villalobos De Reyes, a.k.a. Lorena Villalobos (Respondent) is represented in this proceeding by Law Offices of Bonne Bridges, 3699 Wilshire Boulevard, 10th floor, Los Angeles, California 90010-2719 by Sara E. Hersh, Attorney at Law.

2. On or about March 31, 1993, the Board of Registered Nursing issued Registered Nurse License No. 489403 to Respondent. The registered nurse license was in full force and effect at all times relevant to the charges brought herein and will expire on **August 31, 2008**, unless renewed.

JURISDICTION

3. Accusation No. 2006 - 92 was filed before the Board of Registered Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on April 26, 2005. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation No. 2006 - 92 is attached as **Exhibit A** and incorporated herein by reference.

ADVISEMENT AND WAIVERS

4. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2006 - 92. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

5. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

6. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

1 CULPABILITY

2 7. Respondent understands and agrees that the charges and allegations in
3 Accusation No. 2006 - 92, if proven at hearing, constitute cause for imposing discipline on her
4 license.

5 8. Respondent agrees that her Registered Nursing License is subject to
6 discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the
7 Disciplinary Order below.

8 CIRCUMSTANCES IN MITIGATION

9 9. Respondent Rebecca Cajucom Samilin Reyes, a.k.a. Rebecca Reyes, a.k.a.
10 Rebecca Samilin Reyes, a.k.a. Rebecca Avila, a.k.a. Lorena Villalobos De Reyes, a.k.a. Rebecca
11 Lorena Villalobos De Reyes, a.k.a. Lorena Villalobos has never been the subject of any previous
12 disciplinary action.

13 RESERVATION

14 10. The statements made by Respondent herein are only for the purposes of
15 this proceeding, or any other proceedings in which the Board of Registered Nursing or other
16 professional licensing agency is involved, and shall not be admissible in any other criminal or
17 civil proceeding.

18 CONTINGENCY

19 11. This stipulation shall be subject to approval by the Board of Registered
20 Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the
21 Board of Registered Nursing may communicate directly with the Board regarding this stipulation
22 and settlement, without notice to or participation by Respondent. By signing the stipulation,
23 Respondent understands and agrees that he may not withdraw her agreement or seek to rescind
24 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
25 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall
26 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
27 between the parties, and the Board shall not be disqualified from further action by having
28 considered this matter.

1 12. The parties understand and agree that facsimile copies of this Stipulated
2 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
3 force and effect as the originals.

4 13. In consideration of the foregoing admissions and stipulations, the parties
5 agree that the Board may, without further notice or formal proceeding, issue and enter the
6 following Disciplinary Order:

7 **DISCIPLINARY ORDER**

8 **IT IS HEREBY ORDERED** that Registered Nursing License No. 489403
9 issued to Respondent Rebecca Cajucom Samilin Reyes, a.k.a. Rebecca Reyes, a.k.a. Rebecca
10 Samilin Reyes, a.k.a. Rebecca Avila, a.k.a. Lorena Villalobos De Reyes, a.k.a. Rebecca Lorena
11 Villalobos De Reyes, a.k.a. Lorena Villalobos (Respondent) is revoked. However, the revocation
12 is stayed and Respondent is placed on probation for two (2) years on the terms and conditions
13 stated below.

14 **Severability Clause.** Each condition of probation contained herein is a separate
15 and distinct condition. If any condition of this Order, or any application thereof, is declared
16 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
17 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
18 and enforceable to the fullest extent permitted by law.

19 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
20 A full and detailed account of any and all violations of law shall be reported by Respondent to
21 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
22 compliance with this condition, Respondent shall submit completed fingerprint forms and
23 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
24 as part of the licensure application process.

25 **Criminal Court Orders:** If Respondent is under criminal court orders,
26 including probation or parole, and the order is violated, this shall be deemed a violation of these
27 probation conditions, and may result in the filing of an accusation and/or petition to revoke
28 probation.

1 2. **Comply with the Board's Probation Program.** Respondent shall fully
2 comply with the conditions of the Probation Program established by the Board and cooperate
3 with representatives of the Board in its monitoring and investigation of the Respondent's
4 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
5 within no more than 15 days of any address change and shall at all times maintain an active,
6 current license status with the Board, including during any period of suspension.

7 Upon successful completion of probation, Respondent's license shall be fully
8 restored.

9 3. **Report in Person.** Respondent, during the period of probation, shall
10 appear in person at interviews/meetings as directed by the Board or its designated
11 representatives.

12 4. **Residency, Practice, or Licensure Outside of State.** Periods of
13 residency or practice as a registered nurse outside of California shall not apply toward a reduction
14 of this probation time period. Respondent's probation is tolled, if and when he resides outside of
15 California. Respondent must provide written notice to the Board within 15 days of any change of
16 residency or practice outside the state, and within 30 days prior to re-establishing residency or
17 returning to practice in this state.

18 Respondent shall provide a list of all states and territories where she has ever been
19 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
20 provide information regarding the status of each license and any changes in such license status
21 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
22 new nursing license during the term of probation.

23 5. **Submit Written Reports.** Respondent, during the period of probation,
24 shall submit or cause to be submitted such written reports/declarations and verification of actions
25 under penalty of perjury, as required by the Board. These reports/declarations shall contain
26 statements relative to Respondent's compliance with all the conditions of the Board's Probation
27 Program. Respondent shall immediately execute all release of information forms as may be
28 required by the Board or its representatives.

Respondent shall provide a copy of this Decision to the nursing regulatory agency in every state and territory in which she has a registered nurse license.

6. **Function as a Registered Nurse.** Respondent, during the period of probation, shall engage in the practice of registered nursing in California for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

For purposes of compliance with the section, "engage in the practice of registered nursing" may include, when approved by the Board, volunteer work as a registered nurse, or work in any non-direct patient care position that requires licensure as a registered nurse.

The Board may require that advanced practice nurses engage in advanced practice nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

If Respondent has not complied with this condition during the probationary term, and Respondent has presented sufficient documentation of her good faith efforts to comply with this condition, and if no other conditions have been violated, the Board, in its discretion, may grant an extension of Respondent's probation period up to one year without further hearing in order to comply with this condition. During the one year extension, all original conditions of probation shall apply.

7. **Employment Approval and Reporting Requirements.** Respondent shall obtain prior approval from the Board before commencing or continuing any employment, paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all performance evaluations and other employment related reports as a registered nurse upon request of the Board.

Respondent shall provide a copy of this Decision to her employer and immediate supervisors prior to commencement of any nursing or other health care related employment.

In addition to the above, Respondent shall notify the Board in writing within seventy-two (72) hours after she obtains any nursing or other health care related employment. Respondent shall notify the Board in writing within seventy-two (72) hours after she is terminated or separated, regardless of cause, from any nursing, or other health care related

1 employment with a full explanation of the circumstances surrounding the termination or
2 separation.

3 8. **Supervision.** Respondent shall obtain prior approval from the Board
4 regarding Respondent's level of supervision and/or collaboration before commencing or
5 continuing any employment as a registered nurse, or education and training that includes patient
6 care.

7 Respondent shall practice only under the direct supervision of a registered nurse
8 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
9 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
10 are approved.

11 Respondent's level of supervision and/or collaboration may include, but is not
12 limited to the following:

13 (a) Maximum - The individual providing supervision and/or collaboration is
14 present in the patient care area or in any other work setting at all times.

15 (b) Moderate - The individual providing supervision and/or collaboration is in
16 the patient care unit or in any other work setting at least half the hours Respondent works.

17 (c) Minimum - The individual providing supervision and/or collaboration has
18 person-to-person communication with Respondent at least twice during each shift worked.

19 (d) Home Health Care - If Respondent is approved to work in the home health
20 care setting, the individual providing supervision and/or collaboration shall have person-to-
21 person communication with Respondent as required by the Board each work day. Respondent
22 shall maintain telephone or other telecommunication contact with the individual providing
23 supervision and/or collaboration as required by the Board during each work day. The individual
24 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
25 site visits to patients' homes visited by Respondent with or without Respondent present.

26 9. **Employment Limitations.** Respondent shall not work for a nurse's
27 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
28 traveling nurse, or for an in-house nursing pool.

1 Respondent shall not work for a licensed home health agency as a visiting nurse
2 unless the registered nursing supervision and other protections for home visits have been
3 approved by the Board. Respondent shall not work in any other registered nursing occupation
4 where home visits are required.

5 Respondent shall not work in any health care setting as a supervisor of registered
6 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
7 nurses and/or unlicensed assistive personnel on a case-by-case basis.

8 Respondent shall not work as a faculty member in an approved school of nursing
9 or as an instructor in a Board approved continuing education program.

10 Respondent shall work only on a regularly assigned, identified and predetermined
11 worksite(s) and shall not work in a float capacity.

12 If Respondent is working or intends to work in excess of 40 hours per week, the
13 Board may request documentation to determine whether there should be restrictions on the hours
14 of work.

15 **10. Complete a Nursing Course(s).** Respondent, at her own expense, shall
16 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
17 than six months prior to the end of her probationary term.

18 Respondent shall obtain prior approval from the Board before enrolling in the
19 course(s). Respondent shall submit to the Board the original transcripts or certificates of
20 completion for the above required course(s). The Board shall return the original documents to
21 Respondent after photocopying them for its records.

22 **11. Cost Recovery.** Respondent shall pay to the Board costs associated with
23 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
24 amount of Three Thousand Dollars (\$3, 000.00). Respondent shall be permitted to pay these
25 costs in a payment plan approved by the Board, with payments to be completed no later than
26 three months prior to the end of the probation term.

27 If Respondent has not complied with this condition during the probationary term,
28 and Respondent has presented sufficient documentation of her good faith efforts to comply with

1 this condition, and if no other conditions have been violated, the Board, in its discretion, may
2 grant an extension of Respondent's probation period up to one year without further hearing in
3 order to comply with this condition. During the one year extension, all original conditions of
4 probation will apply.

5 12. **Violation of Probation.** If Respondent violates the conditions of her
6 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
7 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
8 license.

9 If during the period of probation, an accusation or petition to revoke probation has
10 been filed against Respondent's license or the Attorney General's Office has been requested to
11 prepare an accusation or petition to revoke probation against Respondent's license, the
12 probationary period shall automatically be extended and shall not expire until the accusation or
13 petition has been acted upon by the Board.

14 13. **License Surrender.** During respondent's term of probation, if he or she
15 ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions
16 of probation, respondent may surrender her license to the Board. The Board reserves the right to
17 evaluate respondent's request and to exercise its discretion whether to grant the request, or to
18 take any other action deemed appropriate and reasonable under the circumstances, without
19 further hearing.

20 Upon formal acceptance of the tendered license and wall certificate, respondent
21 will no longer be subject to the conditions of probation.

22 Surrender of respondent's license shall be considered a disciplinary action and
23 shall become a part of respondent's license history with the Board. A registered nurse whose
24 license has been surrendered may petition the Board for reinstatement no sooner than the
25 following minimum periods from the effective date of the disciplinary decision:

26 (1) Two years for reinstatement of a license that was surrendered for any
27 reason other than a mental or physical illness; or

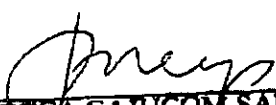
28 (2) One year for a license surrendered for a mental or physical illness.

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07/13/2007 12:58

ACCEPTANCE


I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Registered Nursing License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 7-13-07


REBECCA CAJUCOM SAMILIN REYES,
a.k.a. Rebecca Reyes,
a.k.a. Rebecca Samilin Reyes,
a.k.a. Rebecca Avila,
a.k.a. Lorena Villalobos De Reyes,
a.k.a. Rebecca Lorena Villalobos De Reyes,
a.k.a. Lorena Villalobos
Respondent

I have read and fully discussed with the my clients the terms of this Stipulated Settlement and Disciplinary Order; I approve its form and content and concur in the stipulation as it pertains to my client.

DATED: 7/12/07


LAW OFFICES OF BONNE BRIDGES
By: SARA E. HERSH
Attorney at Law
Counsel For Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

DATED: 7-20-07

EDMUND G. BROWN JR. Attorney General
of the State of California

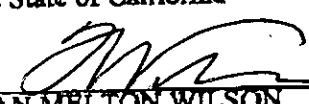

SUSAN MELTON WILSON
Deputy Attorney General
Attorneys for Complainant

EXHIBIT A

Accusation No. 2006 - 92

1 BILL LOCKYER, Attorney General
of the State of California
2 GILLIAN E. FRIEDMAN, State Bar No. 169207
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2564
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

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10 **STATE OF CALIFORNIA**

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a.k.a. REBECCA LORENA VILLALOBOS DE REYES,
15 a.k.a. LORENA VILLALOBOS
1047 N. Raymond Avenue
16 Pasadena, CA 91103

ACCUSATION

17 Registered Nurse License No. 489403

18 Respondent.

19
20 Complainant alleges:

21 **PARTIES**

22 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
23 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
24 Department of Consumer Affairs (Board).

25 2. On or about March 31, 1993, the Board issued Registered Nurse License
26 No. 489403 to Rebecca Cajucum Samilin Reyes, a.k.a. Rebecca Reyes, a.k.a. Rebecca Samilin
27 Reyes, a.k.a. Rebecca Avila, a.k.a. Lorena Villalobos De Reyes, a.k.a. Rebecca Lorena
28 Villalobos De Reyes, a.k.a. Lorena Villalobos (Respondent). The Registered Nurse License was

1 in full force and effect at all times relevant to the charges brought herein and will expire on
2 August 31, 2006, unless renewed.

3 JURISDICTION

4 3. This Accusation is brought before the Board, under the authority of the
5 following laws. All section references are to the Business and Professions Code unless otherwise
6 indicated.

7 4. Section 2750 provides, in pertinent part, that the Board may discipline any
8 licensee, including a licensee holding a temporary or an inactive license, for any reason provided
9 in Article 3 (commencing with section 2750) of the Nursing Practice Act.

10 5. Section 2764 provides, in pertinent part, that the expiration of a license
11 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
12 licensee or to render a decision imposing discipline on the license. Under section 2811(b), the
13 Board may renew an expired license at any time within eight years after the expiration.

14 6. Section 2761 states, in pertinent part:

15 "The board may take disciplinary action against a certified or licensed nurse or
16 deny an application for a certificate or license for any of the following:

17 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

18 "(1) Incompetence, or gross negligence in carrying out usual certified or licensed
19 nursing functions. . . ."

20 7. California Code of Regulations, title 16, section 1442, states:

21 "As used in Section 2761 of the code, 'gross negligence' includes an extreme
22 departure from the standard of care which, under similar circumstances, would have ordinarily
23 been exercised by a competent registered nurse. Such an extreme departure means the repeated
24 failure to provide nursing care as required or failure to provide care or to exercise ordinary
25 precaution in a single situation which the nurse knew, or should have known, could have
26 jeopardized the client's health or life."

27 8. Section 125.3 provides, in pertinent part, that the Board may request the
28 administrative law judge to direct a licensee found to have committed a violation or violations

of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

9. Respondent is subject to disciplinary action under section 2761, subdivision (a)(1), on the grounds of unprofessional conduct, in that Respondent while on duty as a registered nurse during her normal working shift on or about April 1, 2004, and on or about April 2, 2004, at U.S.C./Kenneth Norris Jr. Cancer Hospital, Los Angeles, California (USC/Norris), was grossly negligent in her assigned nursing care for Patient A.J.T., as follows:

a. Respondent's assigned shift at USC/Norris was 1900 hours to 0730 hours (7:00 p.m. to 7:30 a.m.).

b. Respondent was assigned as a Registered Nurse to care for a terminally ill, 23-year old, male Patient A.J.T., 2nd Lieutenant, USMC, admitted to USC/Norris for treatment of primary liver cancer that had metastasized to his lungs.

c. USC/Norris' uses Clinical Practice Standards (Standards) defining the professional responsibilities of the Registered Nurse to achieve maximal patient care outcomes. The Standards provide a body system assessment table for daily initial assessments, re-assessments, interventions, and M.D. notifications. The Standards required Respondent, as Patient A.J.T.'s Registered Nurse, to perform and document body system nursing assessments on Patient A.J.T., excluding interventions and M.D. notifications, as follows:

1) an initial total body system assessment of Patient A.J.T. within the first two (2) hours of the beginning of the 12-hour shift, on or about April 1, 2004, at on / or between 1900 hours and 2100 hours (7:00 p.m. and 9:00 p.m.),

2) a mid-shift re-assessment on or about April 2, 2004, at approximately 0100 hours (1:00 a.m.), and

3) an ongoing daily re-assessment within two hours of the beginning of the next shift, on or about April 2, 2004, at on / or between 0500 hours and 0700 hours (5:00 a.m. and 7:00 a.m.).

d. Patient A.J.T.'s hospital progress notes record no nursing notes from the last progress nursing note on or about April 1, 2004 at 1650 hours (4:50 p.m.), and the first note on or about April 2, 2004, at 0740 hours (7:40 a.m.).

e. Failed to complete nursing assessments and re-assessments on and for Patient A.J.T. as evidenced by the lack of documentation on patient nursing notes as to patient care or events of her shift.

f. Failed to properly perform initial assessments and re-assessments of all body systems for patient A.J.T., specifically failing to auscultate the patient's chest.

g. Failed to properly document Patient A.J.T.'s change in respiratory status and change of condition interventions.

h. Failed to notify a nursing supervisor of the respiratory and pain change in condition for Patient A.J.T.

i. Failed to document contacting a respiratory technician for Patient A.J.T.

j. Failed to document contacting a resident physician for Patient A.J.T.

k. Failed to contact a nursing supervisor when asked by Patient A.J.T.'s family members to contact Patient A.J.T.'s attending physician.

l. Failed to identify coping mechanisms and strategies to provide comfort to Patient A.J.T. Respondent specifically failed to provide care or comfort when she caused Patient A.J.T. discomfort by accusing him of removing his oxygen mask in front of his mother.

m. Failed to follow USC/Norris policies and procedures regarding required assessments for Patient A.J.T.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

10. Respondent is subject to disciplinary action under section 2761, subdivision (a), in that Respondent committed acts of unprofessional conduct while on duty as a registered nurse at USC/Norris, as follows:

a. On or about June 7, 2004, Respondent received from by USC/Norris a "Written Performance Management Memo" documenting her deficiencies and notifying her of

1 their plan to randomly audit her assessment/charting abilities.

2 b. During the period June 15, 2004 through September 24, 2004, USC/Norris
3 audited 20 of Respondent's patient charts (five charts per month). The auditing data collection
4 form noted 13 measures that each selected chart should meet. Substantially noted from the audit
5 of Respondent's patient charts were two measures that stood out as generally not being met. On
6 18 of the 20 charts audited, Respondent failed to meet the measure, "Progress note reflects an end
7 of shift evaluative statement." On all 20 of the charts audited, Respondent failed to meet the
8 measure, "Progress notes follow SOAP¹ format."

9 c. On or about September 24, 2004, after the USC/Norris' 20 patient chart
10 audit, a written warning entitled "Performance Management Record of Conference" documented
11 Respondent's charting deficiencies with an action plan for improvement. Respondent was given
12 an evaluation rating of "poor performance" based on the following:

- 13 - Drew blood cultures on a patient without an order.
- 14 - Failed to call the pain team for a patient with a pain score of 10/10.
- 15 - Failed to complete chart checks 100%.
- 16 - Failed to complete pain scores 100%.
- 17 - Failed to complete end of shift nursing summary 100%.

18 d. On or about September 24, 2004, Respondent was informed that she was
19 required to do the following actions:

- 20 (1) Take full report on all patients, keep notes.
- 21 (2) Review all M.D. orders and patient MAR (Medication Administration
22 Record) at 24^o chart check.

23
24
25 1. SOAP charting method. A method of taking and charting a patient history and physical
26 examination in which information is classified as subjective (S), objective (O), with
27 assessment (A), and plan (P). This SOAP statement is made for each syndrome, problem,
28 symptom, or diagnosis. Patient histories charted by this method are said to be SOAPed and
charts produced using it are called SOAP charts. The method is used widely in the United
States.

1 (3) Complete pain scores on all patients, follow hospital policy regarding pain
2 scores, reassess scores greater than 5.

3 (4) Complete end of shift summary 100%.

4 (5) Give a full report to on coming shift using new report guidelines.

5 (6) Follow hospital policy on SOAP charting.

6 FACTORS IN AGGRAVATION

7 11. Complainant alleges by way of aggravation the following:

8 a. On or about May 8, 2000, Respondent was hired as a Registered Nurse in
9 the Med/Surg Unit on the 7:00 p.m. to 7:30 a.m. shift at USC Norris Cancer Hospital, Los
10 Angeles, California.

11 b. On or about March 23, 2001, USC/Norris issued a documented verbal
12 counseling to Respondent stating it was Respondent's Goal and plan for improvement to
13 1) complete 12 hour chart check no earlier than 0400 hours, and 2) prepare a Notification Report
14 when there is an error that results in delay in services. After preparation of such form, the
15 nursing supervisor will be informed.

16 PRAYER

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein
18 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

19 1. Revoking or suspending Registered Nurse License No. 489403, issued to
20 Rebecca Cajucom Samilin Reyes, a.k.a. Rebecca Reyes, a.k.a. Rebecca Samilin Reyes, a.k.a.
21 Rebecca Avila, a.k.a. Lorena Villalobos De Reyes, a.k.a. Rebecca Lorena Villalobos De Reyes,
22 a.k.a. Lorena Villalobos.

23 2. Ordering Rebecca Cajucom Samilin Reyes to pay the Board of Registered
24 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to
25 Business and Professions Code section 125.3;

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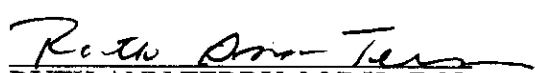
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1 3. Taking such other and further action as deemed necessary and proper.

2 DATED: 12/28/05

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RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California

Complainant